

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

ORDER

Pending before the Court is Defendant's Motion to Reverse and Remand the decision of the Administrative Law Judge [Doc. # 8]. For the reasons set forth below, the Court grants Defendant's Motion.

Defendant moves to reverse and remand this case pursuant to sentence four of section 405(g), which provides:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.

42 U.S.C. § 405(g). Defendant states that she seeks reversal so the ALJ can “reconsider the evidence concerning [the claimant’s] fibromyalgia” and related issues. *See Motion* [Doc. # 8] at p. 1. The Court will grant Defendant’s Motion and reverse and remand the decision of the ALJ for further proceedings. It is necessary to reverse the Commissioner’s decision because, without an explicit reversal, there is no jurisdiction for

this Court to remand the case pursuant to sentence four of section 405(g). *Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

Accordingly, it is hereby

ORDERED that Defendant's Motion to Reverse and Remand [Doc. # 8] is GRANTED. The Court is reversing and remanding the decision of the ALJ.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

DATE: June 13, 2006
Jefferson City, Missouri